

## NEWINGTON TOWN PLAN AND ZONING COMMISSION

### Public Hearing and Regular Meeting

June 8, 2016

Chairman Frank Aieta called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room L101 in the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

#### **I. PLEDGE OF ALLEGIANCE**

#### **II. ROLL CALL AND SEATING OF ALTERNATES**

##### Commissioners Present

Chairman Frank Aieta  
Commissioner Chris Miner  
Commissioner Domenic Pane  
Commissioner Stanley Sobieski  
Commissioner Judy Strong  
Commissioner Michael Camillo-A  
Commissioner John Bottalico-A

##### Commissioners Absent

Commissioner Brian Andrzejewski  
Commissioner Robert Serra  
Commissioner Paul Giangrave-A

Commissioner Camillo was seated for Commissioner Andrzejewski and Commissioner Bottalico seated for Commissioner Serra.

#### **III. APPROVAL OF AGENDA**

No Changes

#### **IV. ZONING ENFORCEMENT OFFICER REPORT**

Mike D'Amato: You all have my report from last month. There are a couple of things that came up when I was last here. We talked about the vehicle with signage at TGIFridays. We sent them a notice, and the vehicle has been moved, at my last check. I actually just sent them a letter explaining what the regulations were. We talked about the liquor store on the Berlin Turnpike, north of McDonald's. I have spoken with the owner of the property and there was some issue with moving of the vehicles, but we are working on that.

Chairman Aieta: Do you have the address?

Mike D'Amato: Yes, 2199 Berlin Turnpike. I think those are the only two outstanding issues. I don't know if anyone has any questions on what was on the report. This month was more blight heavy than zoning, and that is why it is a little bit light, but if you have any questions?

Commissioner Pane: On the April zoning report, Karma's Closet and not in May, but the sign has been up all that time.

Mike D'Amato: I sent her a notice of violation in April, and I can't remember if I sent her a second notice and then actually touched base with her at some point, she came into the office and I explained the regulations and we went over if she had any other options and what she could do. She did take a permit. I don't have that date, but she does have a temporary sign permit. We'll have that taken down if she exceeds the date.

Commissioner Pane: Then you had mentioned the granite place on the Berlin Turnpike, you gave them a temporary permit.

Mike D'Amato: They had that sign up last year and we cited them because they put it up without a permit. This year they came in and gave us the spec's so we were able to verify everything.

Commissioner Pane: Do you have a date when this is supposed to be done?

Mike D'Amato: I don't. I think what I can do is that I can start bringing a report monthly of temporary signs. That will give us a little better idea, so if you see one, I can, I will be able to show you what was issued.

Commissioner Pane: That one there seems to me like more of a permanent sign because it actually has two six by six poles mounted in the ground and he left the poles up when he took the sign down. I think it should be, a temporary sign is temporary. That seems to be more permanent. I think that needs to be corrected.

Mike D'Amato: We can make sure when the sign comes down that the poles do come down and in that way we'll have more latitude if he comes in again.

V. **PUBLIC PARTICIPATION** (for items not listed on the agenda, speakers limited to two minutes.

John Bachand, 56 Maple Hill Avenue: I just want to, if you will allow me, discuss the Alumni Road intersection. At the meeting the other night, I think overall it went pretty well. There was a lot of opposition, can't deny that. I think one improvement, we put up some better graphics. I think Rose even mentioned it. It was hard to see the screen. I think if we had a handout and also graphics. A lot of people seemed to be misinformed or don't understand what was being proposed. You folks here may not realize because you deal with plans all of the time, you know how to conceptualize even when you don't see the graphics, when you hear about it, but many people don't, they sometime have trouble even when they are looking at it.

Also there was a lot of talk about development. People are concerned about development. It might be a good idea to show those few lots on Alumni that could be developed, but they could be developed now irregardless, they have a road in front of them. There is one other piece to the east side of the former Atlantic Machine and I had sent the Planner an e-mail today to clarify something, because in some areas it shows it as commercial, and in some areas that I found it was designated residential, so if the Planner could, if he has a chance, straighten that out. Everything I found from our zoning maps and the assessors card showed it being residential. Planner did sent me an e-mail and I'm still confused about it, so I think that might put some people's concerns to rest if they know, especially over there on Alumni that those lots are there, they have always been there. People are not rushing to develop, just like the busway was supposed to provide development opportunities, and I don't see a lot of people rushing to develop that area. Thank you.

## **VI. REMARKS BY COMMISSIONERS**

Commissioner Pane: Thank you John for those points. The handout for the map is a great idea. We should have had that, and we will work on that. As far as showing the lots for development, we really didn't want to discuss the development too much because it was purely a safety issue. We know that there is land there that could be developed but we weren't trying to emphasize that at all because we wanted to stick with the safety issue. Thank you though for your comments.

Chairman Aieta: Just one thing, you said there was a lot of opposition. We sent out 300 letters, just for the record, we sent out 300 letters, there were approximately 80 people there. There were probably 25 to 30 that got up and spoke, that were basically against it. You know that people who are in favor of petitions normally don't come out. The people who are in opposition usually do, so when you send out 300 letters and only 80 people attend, it tells me that there are a whole bunch of people who are basically, have no opinion, or are happy with the proposal that we were promoting. Out of 80 people, 30 were against it and 300 people were notified. I think that is a very small percentage.

Commissioner Sobieski: I'd like to thank everybody that came out, and we did get some input to look at, again, there was some opposition, but I think there is also a lot of confusion because there was no handout and as I said earlier there is a lot of information on Facebook. If you are not sure, in my opinion, you should ask someone about it.

Chairman Aieta: There will be an opportunity when this goes to the Council for us to be able to give to the Council some type of handout. I would assume that they would have a public hearing and they could have a handout for the people who come to the hearing. We'll have the minutes available from the meeting, we'll have some background that you had, some articles, and they could provide the residents with handouts of the maps that we had up.

Commissioner Bottalico: There is a lot of confusion about the left hand turn off of Cedar Street to Alumni Road. Can we check with the State to make sure that is in their plans because that wasn't our idea, I think it was a state plan.

Commissioner Sobieski: When the state came down and discussed the widening of the bridge deck over the Amtrack, they were going to go up to Alumni Road, and at that point, I or somebody else said, well, there are vehicles that make that turn, and that is where that came in. It's not something that is in this proposal.

Commissioner Bottalico: I just think a lot of people are confused. They thought we were putting it in, and there was going to be more traffic on Alumni Road because of that.

Commissioner Pane: I was informed to day that the DOT for the 2017 bridge widening project will not include a left hand turn lane at Alumni. That widening of Cedar Street on the left hand turn lane would only occur if there was a light at Alumni, so it was originally in the plan, and I guess it was taken out, so that widening is not part of the bridge plan, but hopefully, if this gets up to the Council and they do their due diligence, it could be incorporated. These items and the light could be incorporated into the bridge plan so that we can get a new safe intersection there.

## **VII. PUBLIC HEARING**

### **A. Petition 07-16: Zoning Text Amendment (Section 3.15; 3.17; 6.11 Auto Related Uses) Modern Tire Recapping Company Inc., applicant; Attorney Timothy J. Hollister, One Constitution Plaza, Hartford CT contact. Continued from May 25, 2016.**

Commissioner Pane recused himself from this petition.

Attorney Hollister: Good evening. I'm distributing a copy of the June 6 letter that I mailed to Mr. Minor, but that is going to be superceded by what I am about to read into the record. We completely understand at this point that the Commission feels caught in the cross fire between the Guggenheim Real Estate, which is a Texas based developer that owns the land on the Berlin Turnpike where the Firestone is, and Modern Tire, the other existing auto use business. We understand your position. You are in the cross fire. What I would like to do is take a few minutes of your time to explain why and also make a proposal to get you out of the line of fire.

I know that we have been over this, but I really think it is important that you understand, at least for the future of how this issue may be resolved, to understand the full story. Briefly as I can, back in 2000 the Commission banned all auto related uses along the Berlin Turnpike. There was no appeal to that because everyone was treated equally. Then in 2012, at the urging of a company called Wex-Tuck, there were new auto use regulations which at the end of the day, favored one parcel which happened to be owned by Wex-Tuck, but left everyone else non-conforming. At that point, Modern Tire, and seven other businesses, including Mr. Pane's businesses appealed to the court.

In 2013, basically ignoring the court appeal got a special permit to operate as a limited repairer. Modern Tire and six other uses took an appeal to the court on that.

In January, 2014 a judge invalidated the very regulations that the special permit issued to Wex-Tuck was based on. In August 2014 Wex-Tuck sold the property to Guggenheim, and in November of 2014 Guggenheim, ignoring the earlier court ruling started building what is now the Firestone. Modern Tire and six other businesses filed for an injunction saying that the building did not have a valid special permit and it would violate the town's noise regulations.

A judge told them at that point that they were building at their own risk. In March of 2015 Guggenheim sued Modern Tire and Mr. Pane's businesses and several other businesses claiming that they were interfering with Guggenheim's business, although Firestone wasn't even operating at that point. Then in Jul 2015 Judge Mottolese agreed with us, that the Firestone if it proceeded as planned was going to violate the noise laws of the State of Connecticut and the Town of Newington and issued an injunction and required Firestone to modify it's facility. Then in September Firestone opened with, still operating at its own risk, and as we learned, with the wrong type of a state license. That is beside the point, I'm not going to dwell on that.

During this time Guggenheim was listing the property for sale at a very substantial mark-up from what they bought it in 2014. In November of 2015 Guggenheim filed a second law suit, this is what you didn't hear in the last instance, so I'm bringing it up now. Guggenheim filed a second law suit against Modern Tire and five other Newington based automotive businesses, so at that point, we started discussions under the auspices of a judge, and as you can imagine, I can't discuss the details, but one of the easy issues that was sitting out there was to try to resolve the problems that were caused by the 2012 auto use regulations. So that resulted in the proposal that is before you, to try to deal with those issues, to reduce the issues in the various law suits, reduce the litigation, benefit all of the auto use owners in Newington by leveling the playing field. We worked with Mr. Minor, we worked with Attorney

Chapel to approve the original proposal, but then, Guggenheim came before you trying to change our proposal in a way that would excuse them from their own zoning violations. You need to be very clear that that is what has been happening in the last two sessions of the public hearing. They argue they have an invalid special permit, they illegally abut a residential zone, they have an improper license, they have improper signage, and who knows what else, so they want to take out the words, "validly approved" to validate their own zoning violations. They don't have any supporters, it doesn't help in the lawsuits, it doesn't create a level playing field, it doesn't constitute good planning, and it doesn't benefit the town. But the bottom line is, and what I am prepared to tell you now is that Modern Tire and the other auto use owners who support the regulation benefits in front of you, we cannot allow our proposal to be hijacked for an improper purpose, so taking out the words "validly approved" would undermine everything that we have been trying to do, in terms of reducing litigation and dealing with the zoning enforcement issues, so at this point, Mr. Chairman and Commissioners, very reluctantly the applicant is going to withdraw his application to amend the zoning regulations. I apologize for the waste of time, but I hope you understand that we just don't have any choice at this point. Now the reason, I went through the chronology because this issue hopefully will come back to you at some point because the town still needs to deal with the issues of the inequalities and the issues of the 2012 auto use regulations, but at this point we are very disappointed in the tactics that have caused this to happen, but I don't believe we have any choice, so at this point I am withdrawing the application. Thank you for listening to me, and I apologize for having taken so much of your time, but we will be back.

Craig Minor: Maybe just move to close the hearing to get closure for that part. I've never had anyone withdraw in the middle of a hearing, but.....

Commissioner Sobieski moved to close the hearing because the application was withdrawn. The motion was seconded by Commissioner Miner. The vote was unanimously in favor of the motion, with five voting YEA.

Commissioner Miner: I don't know if it would be common sense at this point to bring it up, but I think some time in the near future, we should try to reopen that and try to address it on our own without any exposure from any outside parties.

Chairman Aieta: I can tell you that I was reluctant to continue with this because it put this Commission in the position of being caught between two parties that are in court litigation, and I have had discussions with the Town Attorney and he advised that it probably would be best for the Commission not to be in the middle of that until all of the suits, all of the litigation was completed. The applicant does not have to bring back this regulation. This Commission will bring back some form of this regulation ourselves, to be the applicant. We will be watching what happens in the court, what happens with the cases that are ongoing and potentially the new cases that are happening.

**B. Petition 06-16: Zoning Text Amendment (Section 5-9) TPZ  
applicant/contact. Continued from May 25, 2016**

Craig Minor: The hearing was continued because the Commission asked me to amend the green belt regulation on the Berlin Turnpike to make it clear that nothing would be allowed in the 35 foot minimum front yard setback area, so I added the word minimum to the regulation so it reads, "No accessory structures, above ground utilities or pavement shall be placed in the 35 foot minimum front yard." That should be pretty clear to anybody. That was the only change from the amendment that was reviewed thoroughly at the last meeting.

Commissioner Pane: Thank you Mr. Minor for correcting that. Reviewing the 202 Plan, I found a couple of other areas that I'm just wondering if the Commission might want to reinforce in the regulations while we are looking at them. One is in the green space, landscape and buffer requirements, in the 2020 Plan on page 24 it talks about protecting residential neighborhoods and transitional areas adjacent to commercial property with increased landscape buffers and use controls to mitigate potential nuisances. I'm wondering whether or not, this was put into the 2020 Plan to add some extra protection when it is necessary when a commercial property abuts a residential property, and I'm just wondering whether or not a statement should be added there in the landscape area or not. The other thing that I found in the 2020 Plan under Strategies, on page 20 it talks about the 15 percent slopes. It says, in the 2020 Plan it states revise zoning and subdivision regulations to clearly state that steep areas in excess of 15% slopes shall not be counted in density calculations for development purposes. So I'm wonder whether or not that clarification should be added into the regulations. Just wondering if that is something that could be thought about, and we're not voting on it tonight are we? Just wanted to bring those two points up.

Commissioner Miner: the buffering, especially going from residential to commercial might be something to consider adding in there as that is increasingly becoming an issue of co-existing with each other.

Chairman Aieta: I think the regulations that we have pretty much, if you want to go to that section, the section on buffering between residential and commercial, there are adequate distance requirements, there might be additional amount of buffering that we had in there. There is a 25 foot buffer.

Craig Minor: It's, our buffer regulations are spread out all over the regulations. There is no one place, I can give some thought to what you just said and next week I can come back with some thoughts on what you just recommended.

Commissioner Pane: The buffering, that was on page 24. It's a matter of whether or not, just a statement is put in there, so that when you are looking through your regulations so that you know that when you come upon commercial property that is extremely close to residential that extra precaution should be used with maybe some additional trees or something to protect the residents. I think the distance requirements that are in the regulations are, seem fine. It's just a matter of whether or not additional arborvitae or fencing or berming is necessary to protect the residents, and the quality of life that those residents have.

Chairman Aieta: Take a look before the next meeting and see exactly what we have, what type of buffer we are talking about. Maybe we should look at a berm, or change the type of tree, because we end up finding that white pines after some years, we just have a stick and then right near the top you have the branches, so it's not really buffering anything. Anyone wishing to speak in favor of this application?

John Bachand, 56 Maple Hill Avenue: Just want to talk about that 9.2 again, the definition of a structure. I'm surprised that no one sees a problem with that, I know the Planner is shaking his head because we are all logical, and we know it is not a birdhouse, but, I suggest that it is such a radical departure, I mean, it encompasses every possible thing that the imagination could come up with. It could be a birdhouse. I think you are setting up a future Commission for a lot of problems because any two materials put together, a combination of materials to form, use or occupancy, really it's all encompassing. I think you should try to get as close to the literal definition as possible. I know everything is not black and white but I think this is just

open to any possible interpretation. I think it is just trouble down the road. I understand, and again it goes back to the origin, I suspect it goes back to the origin, when we are talking about Brooklyn or Staten Island where there is no offsets to the neighbors and the buildings are built right up next to each other, but I understand the notion that the old definition was a little outdated, but I just think that is way over the top, and too open.

Chairman Aieta: Anyone else wishing to speak in favor of this application? Anyone wishing to speak against the application? Do you want to address that again, Mr. Planner.

Craig Minor: Well, let me just say that the Town always has the discretion of whether to enforce a zoning issue. If the Zoning Enforcement Officer gets a complaint from a citizen that the citizen's neighbor has built a structure in the wrong place, and it's a bird house, the ZEO has the complete legal authority to say, no, I'm sorry, it's a birdhouse, not a structure, I'm not going to take any enforcement action. He has that authority. He has that latitude, so I, normally I would agree that we want as narrowly defined definition as possible, but I think in this case, this is a good definition that gives the ZEO room to work with and yet is broad enough so that if somebody built something that we can't imagine today, and you want to be able to enforce the location of it, this will give us the ability to do it. I recommend to the Commission that you leave it as presented.

Chairman Aieta: The problem with the other definition was that it defined structures, other structures, and I will give you an example. On Pane Road, the concrete solar panels on the ground. Those are, those solar panels are sitting on a structure. That would not fit this regulation as it is written today. What would you call it? By the definition that is currently in the regulations it wouldn't be considered a structure. We have to expand the definition of the word structure to include other things. The definition that the Planner came up with is from the reference material that Planners use all across the country to define different words in our regulations. I don't know where else we could come up with a definition. If that is the one that zoning people are using as a definition, I would go along with it.

Craig Minor: If the Commission wants me to follow up on.....

Commissioner Pane: I recommend that we keep this open so that we can hear a report on those two items from the Town Planner at our next meeting. That gives the public a chance to comment on them.

Commissioner Sobieski seconded the motion. The vote was unanimously in favor of the motion, with six voting YEA.

**C. Petition 22-16: Special Permit (Section 3.15.3: Restaurant) at 2551 Berlin Turnpike (The Sloppy Waffle.) The Sloppy Waffle, applicant, 2551 Berlin Turnpike LLC owner, Luz Ramos 164 Eddy Lane, Newington CT, contact.**

Luz Ramos, 164 Eddy Lane, Newington: I have a gigantic amount of everything that I wanted to talk to you about today, I've been writing like mad, but more important I am here to rectify something that, in retrospect, the 2551 which is where we have our restaurant, The Sloppy Waffle, and I neglected to come to the Commission to inform you of our plans to grow, so that is why I am here today. In addition, I want to thank Mr. Minor for putting the site plan up there so we can take a look at what has happened. Even though we have grown, as you can see it really has, the building that we are in, at 2551 Berlin Turnpike is a compilation of many small different pieces and I have to sort of work around what is there, but anyway, let me read this to you because I don't want to miss anything.

I came up with this crazy idea and I came to this Commission in 2012 and you granted me permission to start this business on the Berlin Turnpike, which for me, even though it was set back, entrance on the side, absolutely no visibility, it was the only way that I could afford to be on the Berlin Turnpike and take advantage of whatever the visibility is on the turnpike and try to at least come out winning because I am a small business, a family owned business. I'm

actually a dinosaur within the business because I am the owner/operator and a lot of us are going out of business because the big conglomerates are taking over. So I'm what you call a small mom and pop. I knew that I wanted a unique restaurant, this is my town, I live here, my kids go to school here, my adult child already graduated from high school here, this is where my roots are, and I wanted a, my own business but I also wanted it to be convenient so I could still be a parent, which is why I am open from seven to two thirty. Because I knew that I wanted to at least have a chance at being successful in the restaurant business which many of you know is a very difficult task itself, it was because I decided to take the space, even in the back of this location. As you open the doors, you start to realize everything that goes on when the business is functioning. An opportunity arose and Mr. Cody offered me a little bit more space within where we are. That allowed us to be a more comfortable restaurant. We were still the same restaurant, the same kind of tables, but now we can spread your wings a little bit and not be touching your neighbor when you are sitting there.

I started with one employee, it was really my family working there, kids included, and now I have five, and my family is still there as well. So this is how this happened.

Now just to give you a little more history about me, when I came to open the Sloppy Waffle, I was looking to be a self employed business owner. The next year, my young husband of forty was diagnosed with heart disease and is now three years later, (inaudible). So I am not only a business owner, I am a bread winner, I am responsible for the roof over our heads, the meal on our table, and the people who work in my restaurant as well.

So now, I just want to go into, aside from my story, and just to give you another little heads up about some of the things that have been happening with the Sloppy Waffle. In these short three and a half years, we have amassed a number of accolades. In the last three months, we were named best breakfast restaurant by New England Magazine, which I believe we are the only one that has gotten this award. Just two days ago, there is a publication called In Your Space, that literally targets and looks at small restaurants, and we came in number two, competing with restaurants in Branford, Westbrook, Westport, etc., and here in Newington is the Sloppy Waffle number two.

So now let's talk about, I really want to extend my sincerely apologies for doing this in this way, but I really, I was too focused on growing my business and moving forward that it was just an oversight. It was just a complete oversight on my part and I want to apologize for that, right out of the gate, but I know that the concern is, do we have enough parking? This is why you have this plan in front of you, and I have some information that I want to share. The building consists of 9,900 square feet. The Angry Chair which is on top, uses 1600 square feet, the Songbird store has 3,000 square feet, and to the north of the Sloppy Waffle is J.E. McGlocken and they have 3,000 square feet of warehouse. As businesses within 2551 we work very well together because the warehouse is closed on weekends, which is when we see the higher volume of business, we open at 7:00 and we are the only ones that open at 7:00, and close at 2:20. Songbirds opens about 10:00 but really, no one visits that store until way after 1:00, and then the upstairs, the beauty salon, the Angry Chair, is by appointment. The way they set up their business is by appointment, and so they are not a high volume and they are not open on Sundays, and again, they walk in 12:00, 1:00. So we have been able to make the relationships within the property. Although we have grown, and as I mentioned before, it's really a little bunch of chopped up areas that have been put together because of the way of the building and the age of the building, and how everything has been put together in the beginning. Right now we hold about 1,040 square feet of public space. The parking compellation shows that we need 21 spaces, and the other tenants need 25 for a total of 46 spaces. But because Mr. Cody, who is the owner of the property was previously granted a reduction in parking, only 34 spaces need to be approved for the entire site. In actuality, there are 37 on the property. I also have a letter here from Mr. Cody, there is some re-striping that he is thinking of doing, in the future, and moving some of the dumpsters around which could even maybe in the near future add more parking to the property. So, just to put



you at ease, we do meet the regulations for the parking because I know that was a big concern and I wanted to make sure that we covered that. Just keep in mind that although we have grown internally it's really become a more comfortable restaurant, a more pleasing restaurant to walk into as opposed to very cramped type space. Once again I want to thank you for giving me the time to speak with you today, and thank you for granting me the opportunity to open when I did and I hope we can continue doing business there in that spot.

Commissioner Miner: The area that they took over.....

Mike D'Amato: It was a retail store, I'm not sure what the name of the business was that was there, using that front space.

Luz Rivera: The last one was a boutique.

Mike D'Amato: It was all retail, for our purposes, retail is fine. The original building I think was approved in 2007 and it showed that as retail, but because it wasn't originally approved as a restaurant, it was done based on gross square footage.

Chairman Aieta: Can you shed some light on the 2007 reduction that the Commission gave for twelve parking spaces at that time there was not a restaurant in this building. It was basically a warehouse, and I think that is why the spaces were waived. The space was not a high use or traffic generator.

Mike D'Amato: Craig and I discussed this. The TPZ waived the twelve spaces in 2007 but they didn't put any conditions or restrictions on those twelve spaces, so essentially we just assumed that those twelve spaces are there, and that is why we look at when we do the parking calculations. They are getting credit for twelve spaces that don't need to be built, and there were no specific limitations for the uses of this property in 2007 that would limit the use now, based on the fact that those twelve spaces were waived. So there is no additional limitation based on that waiver.

Commissioner Camillo: Are there lines in the parking lot now, and is it paved?

Luz Rivera: Not all of them.

Commissioner Miner: That might ease the situation when they are.....

Chairman Aieta: We don't know if there are thirty-seven, I mean, it's shown on the plan, but we don't even know if the whole thing is bituminous.

Commissioner Pane: It is. If some additional re-striping is done, along the building there, because none of that, some of that stripe, if he adjusts it a little bit, he could pick up some extra space. The applicant mentioned that they may do some work at the very end of the building, I think if they do a combination of those two things, that would help provide the stone area over there for the trucks to park, so that they are out of the parking spaces, and the one good thing that you have going for you is that I would assume your busiest time is early Saturday and Sunday morning and no one else in the building is there, so that is one good thing you have going for you, but I would recommend having the landlord re-stripe those or stripe the parking area and possibly pick up a space or two.

Luz Rivera: He actually sent me a letter to that effect, and I have copies here for everyone indicating that he is planning to re-stripe the parking area.

Chairman Aieta: We will open this up to the public for comments. Is there anyone here to speak in favor of this application? Is there anyone here to speak in opposition to this application. How would the Commission like to proceed?

Commissioner Miner: The only issue that I can see is just people not being aware of how or where to park. If they simply re-stripe it, that would alleviate a lot of the issues.

Chairman Aieta: I would like to see the actual spaces, I will go out there and count them myself to be sure they have the required spaces. You have to remember that we allowed them to have outside seating when they came back to this Commission when they asked for outside seating. They are doubling the size of their restaurant with moving into the front portion of the building.

Commissioner Pane: Do we know what was approved for outside dining?

Mike D'Amato: I took what I could find and essentially the two areas immediately to the right of the entrance were approved for outdoor dining. I read the minutes of the meeting and they didn't specify a specific number of tables, but on the plan that I have here, it shows roughly nine. I'm not sure how many they have on the property now, my recollection is that it is not nine. It's less than that.

Commissioner Miner: There is five there.

Mike D'Amato: Okay, so there was no specific increase in parking that was required in 2013 when they came to the TPZ for outdoor seating. I'm not sure if there is anything else that you are looking for.

Commissioner Pane: That helps. I would like to be able to go over there and look at the area again, so maybe we should just keep this open for one more meeting and then we should be able to close it off.

Chairman Aieta: Do you know the number of tables and seats you would have, existing and new. How many tables?

Luz Rivera: All together there are twenty-six tables.

Commissioner Miner: Does that number change with the expansion?

Chairman Aieta: How many tables did you have originally, in the old section before you took over the....

Luz Rivera: I had about eighteen tables. They were all in the same space.

Chairman Aieta: You are only adding eight tables within that, doubling the space, you are only adding eight tables.

Luz Rivera: Some of those rooms, they are just literally little rooms that kind of come together and the other thing is, to compensate for the outdoor dining, once I expand, I didn't need that much outdoor dining. We don't really have that many tables outside.

Commissioner Pane: It was very tight in there before, I remember that.

Luz Rivera: Super tight, and you literally were eating like this. That was one of the biggest complaints that people had. It wasn't something that I planned to do, but the opportunity presented itself, and I feel fortunate that the opportunity presented itself, because now you go in and you feel like you are in an enjoyable restaurant. Not a super tight closet which is what we were. I've never encountered any problems with parking. I'm sure that, I don't know what research you have done, but.....

Chairman Aieta: We have seen parking on the lawn areas.

Luz Rivera: I don't tell people where to park, but I can tell you that to compensate for the area that is not stripped, and because that tenant is not there on the weekend, we put up signs telling people to park on the side, so they are not taking two spaces instead of one and as much as I can I try to do that, but those are the spaces that are already in the plan, that are already there.

Chairman Aieta: At this point we will leave this open for the next hearing, we will discuss it at that meeting, and have an opportunity to do some more research into it.

Commissioner Pane: Congratulations on how well you are doing!

Luz Rivera: Thank you.

**D. Petition 10-16: Zoning Text Amendment (Section 6.15: Low Impact Development), Town Plan and Zoning Commission, applicant.**

Craig Minor: A brief history of this regulation. A couple of years ago the Town of Newington adopted a, what's called a low impact development regulation, or as the Town Engineer calls it, storm management on steroids. It's a way of regulating the amount of storm water that gets into the town's rivers and streams, and it also in addition to allowing more what we call recharge in the soil, the LID regulations also require some cleansing of that water as well, more so than the old regulations require.

What we found, after adopting them pretty quickly was that they were rather burdensome for the home owner because at the time that they were adopted it applied to any homeowner who wanted to add on a patio, would basically have to hire an engineer to design the project, so even if he was going to build the patio himself, or the deck or the addition, he would have to hire an engineer to design the storm water management plan for it.

Pretty quickly in the process, the Commission adopted a moratorium which made it such that homeowners did not have to comply with the LID regulations for that year, and during that year we did, had more applications come in that were subject to the regulations. The engineering department, the planning department, the building department got more familiar with the way that the regulations worked and the staff became convinced, during the end of the moratorium period that it was definitely appropriate to make the moratorium permanent. Staff came back to the Commission, made a recommendation to the Commission, the Commission agreed, and so that is why we are here tonight to, as I say, make the moratorium permanent.

Now, the amendment does a little bit more than that though, this amendment also provides some relief for commercial properties. This amendment will require a developer to comply with the LID regulations on a commercial property, that there needs to be 1200 square feet of new impervious being proposed, before the new regulations kick in. 1200 square feet is not that much. Pretty much any new construction, commercial, is going to hit that trigger, so the town is not losing a lot, nothing is slipping through the net if we set the standard at 1200

square feet. That is still a pretty good standard to capture most new development and require most new development to go through the LID process.

The other thing that this amendment does is re-development of a parcel, and I used the example at a previous meeting of the Stop and Shop in Cromwell when I was there was torn down, about a two acre building that was torn down, and then rebuilt on almost exactly the same footprint, because it was economical. The sizing of grocery stores made it economical for the owner to tear it down and rebuild it. If that happens, then isn't this an opportunity to require a little bit of refit? I would think so, but then on the other hand, we don't want to discourage redevelopment of property. What we came up with in the regulation, what I am proposing, is that redevelopment of less than four acres shall be exempt from LID but anything more than that, will have to comply with the LID regulations. So we felt it was a compromise between protecting the environment, but not being so restrictive on new development or redevelopment as to have a chilling effect on Newington's economy. Now, this regulation was referred to CRCOG as is required, and CRCOG's response was that this amendment is not consistent with, and let me get the terminology that CRCOG used, "the staff of the regional planning commission has reviewed the referral, and has concerns regarding the proposed amendment. Although low impact development will continue to be required for commercial, institutional, and multi-unit residential developments, which increase impervious areas by 1200 square feet or more, the elimination of this requirement for development on re-zoned parcels of less than four acres, and any residential lot regardless of size is contrary to the following policy recommendations of the 2014-2024 regional plan." I won't read them, but you get the point.

As I said in my memo to the Commission, with all due respect to the Regional Planning Commission, I think it is an exaggeration to state that this amendment is "counter to the policy recommendations of the plan. At 1,200 square feet of new impervious the threshold is quite low, that's a square of only 35' per side. Virtually all new commercial development will exceed this amount and be required to comply with the LID regulations.

However, I do think that the term "redevelopment" ought to be defined for the purpose of this regulation, to distinguish it from "site plan modification" which is not exempt from LID. I recommended adding the sentence "Redevelopment" shall mean development following the demolition of an existing building" and in fact, that is in front of you.

That's my report Mr. Chairman, and if there are any questions, I'll answer them and if the public has questions, I can address those too.

Commissioner Sobieski: Mr. Planner, this was discussed at the last CRCOG meeting. I voiced my opposition to them because of the fact that Newington has a lot of clay and LID just doesn't work in certain areas in Newington. They're feeling was that it should be a level playing field across the board. A question on this, that you brought up, LID for commercial buildings, a lot of the detention/retention ponds have been filled in over the years and in private buildings like McDonald's and there is a list of about 35 or 40. Is anybody from the town still inspecting them like they used to, being sure that they are working? The reason that I'm asking is that if we put in a retention/detention pond, that is enclosed, we want to make sure that it is still working. If it's not working it's not serving it's purpose, and retention/detention ponds are still part of this, am I correct?

Craig Minor: Yes, that was the old way of doing LID, and we still require detention even a project exempt from LID still has to comply with our detention regulations.

Commissioner Sobieski: What I'm asking is, there are at least six or eight town owned detention/retention ponds that are overgrown, filled with trees, they are not working. So should the town be held to the same standard as a private person? This is all part of the LID.

Craig Minor: Your first question, is the town enforcing storm water plans that are part of site plans, well, Mike, I don't think it's on his list of things to do everyday, but if we found that a

developer, if we find that their storm water management plan, as shown on their site plan, as approved by the Commission five years ago, or whatever, if we found that it was failing, then we could take enforcement action against them.

Commissioner Sobieski: What I was questioning was, years ago there was, Ron Tramadeo used to go out and inspect them once a year, on private property. Apparently since he has retired, we haven't been doing that. I'm asking what the mechanism is to make sure that they are still working? Does the town go out and inspect them, or can it? Can we ask this Commission or another Commission that they be looked at to make sure they are functioning?

Craig Minor: That definitely is a topic that this Commission should discuss more, beyond the context of this amendment.

Commissioner Sobieski: That's what I'm asking, so it would be this Commission purview to make sure that all of the pond that are on that list.....

Craig Minor: Well, I'll say it would definitely within the purview of this Commission to look into and discuss and maybe make a recommendation.

Commissioner Sobieski: That was the forerunning to LID, and I know that there are big ones around town, especially at Elizabeth Green, looks like a jungle in there, so that is obviously not working, if we are that concerned about LID, and commercial buildings, then I think the town should take care of their end, and every year or every other year on the private ones to be sure they are working.

Commissioner Pane: I agree with Stanley on this and I agree with the Town Planner that maybe this should be looked at, at a later date. We might want to have the Town Engineer here when we discuss that since that would fall under his purview. It's a good thing to make sure that the ones that the town owns are working so that there is no back up problems, so this would be a valid thing to look at, down the road.

Commissioner Miner: Is there a, federal storm water plans have an inspection program in place once it goes over X amount of impervious surface. I know that there are inspections that are required on some properties, I just don't remember what the threshold was.

Craig Minor: Off the top of my head, I don't know. I can find out, but I don't know.

Commissioner Miner: I would be curious to see if a lot of that is not already covered, or supposed to be.

Commissioner Pane: I also just wanted to state that his clarification on the redevelopment, I like the way that he has clarified this. It wasn't as clear before, so I like that and I think because of the soils in Newington are so much clay, I believe we are doing the right thing.

Chairman Aieta: Just to add my two cents, I think that we are taking a burden off the residents of the Town of Newington who are making small additions to their houses, or small renovations to the yard. It would be almost impossible for them to do that if they had to hire an engineer and provide plans and everything else. I think that is a burden, I said that when the consultants came in to pitch this regulation, I was against doing it for residential property. We will open it up to the public. Anyone wishing to speak in favor of this application? Anyone in opposition to this regulation? What is the pleasure of the Commission?

Commissioner Miner: Quick question, redevelopment definition Mr. Planner, is there a distinction between demolition of a complete versus leaving one wall standing? I know there used to be a loop hole and that a lot of developers would intentionally leave one wall up and say, no, it's not being redeveloped. Does that still exist?

Craig Minor: In some context, yes. I think if someone went to the expense of demolishing three sides of a building.....

Commissioner Miner: I did this once myself, that's why I...

Craig Minor: It might have had to do with zoning.

Commissioner Miner: That was the reason, I had to leave one wall standing so....

Chairman Aieta: That is a zoning issue, because it was probably a nonconforming lot.

Commissioner Miner: That's exactly what it was.

Chairman Aieta: If you demolished it completely, you wouldn't have the right to rebuild, so what you were doing was basically leaving one portion so you were doing a remodel.

Craig Minor: I would say, leave it the way that it is, because I was going to suggest, but I can understand why someone would keep the one wall, so that they are preserving the non-conformity, and I wouldn't want to discourage them from keeping that wall, but they should still be required to do LID, and they will still have to, even if they keep on wall because they have demolished the building. They haven't demolished all of it, but they have demolished enough of it that I think a reasonable person would agree that they have met our definition of redevelopment and therefore if it is less than four acres would be exempt from LID, but if more than four acres, would have to comply. So I'm glad to asked that question because it gives us a chance to think about it and get on the record what the intent is.

Commissioner Sobieski: I think West Hartford requires that if I'm not mistaken, I think the post office on Shield Street had to keep one wall up and then add on to it.

Craig Minor: It probably was nonconforming and that was their way to preserve their right.

Chairman Aieta: This has been something that has been kicking around. There was a moratorium on it, I'd like to see this closed and moved.....

Commissioner Pane moved to move Petition 10-16 to Old Business and to close the public hearing.

The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YEA.

## **VIII. APPROVAL OF MINUTES**

### **A. Regular Meeting on May 11, 2016**

Commissioner Sobieski moved to accept the minutes of the May 11, 2016 regular meeting. The motion was seconded by Commissioner Strong. The vote was unanimously in favor of the motion, with six voting YEA.

**IX. NEW BUSINESS**

- A. Petition 23-16: Site Plan Modification (Tent Sale) at 2985 Berlin Turnpike (Dick's Sporting Good.) Dick's Sporting Goods, applicant; Brixmoor Property Group, owner. Nathalie Oraperza, 2985 Berlin Turnpike, Newington CT contact.**

Chairman Aieta: This is an application that has come before us before.

Kelly Goulet, 2985 Berlin Turnpike: We're having a tent sale, June 23<sup>rd</sup>, through July 11<sup>th</sup>, for the sporting goods and are looking to put a 20 foot x 60 foot tent in our parking lot, that will have clearance apparel and footwear from the store.

Chairman Aieta: It is the same size fence in the same location that you had last year.

Kelly Goulet: Yes, everything is the same.

Chairman Aieta: Any comments or questions of the applicant?

Craig Minor: I did get back from the Fire Marshal and the local traffic authority, they had no problems with it last year.

Chairman Aieta: When are you having this event?

Kelly Goulet: The event itself starts July 24<sup>th</sup>, the tent will be set up the day before.

Commissioner Pane: Since there have been no problems last year, and we had a very positive report from the Fire Marshal and the Police Department I'd like to make a motion that we move Petition 23-16 to Old Business for action tonight.

The motion was seconded by Commissioner Strong. The vote was unanimously in favor of the motion with six voting YEA.

- B. Petition 24-16: Site Plan Approval at 131 Summit Street. 131 Summit Street LLC, owner, Dan Pizzoferrato, 308 Alumni Road, Newington CT applicant/contact.**

Commissioner Sobieski recused himself from this petition.

Dan Pizzoferrato: I am the owner of 131 Summit Street, LLC, and we are here before you tonight to get approval for a site plan which we have presented to the Conservation Commission and am here tonight with Joe Urso who is one of the engineers that worked on this project.

Joe is going to walk us through the site plan.

Chairman Aieta: You said you went to the Conservation Commission?

Dan Pizzoferrato: We have been to Conservation, and we gained approval.

Joe Urso: I'm a professional engineer in the State of Connecticut, and will show you around the property. We are proposing a warehouse cold storage building approximately 3,000 square feet which is located on Summit Street, right here. This building is located in the rear of the property, and like Dan said, it has been reviewed and accepted by the wetlands

commission. We are waiting for a calculation sheet to be submitted to them for formal approval. They were happy to see that we used the LID techniques for this development. Basically, this is draining into the swale located right here in the southwest part of the property, it's a series of shallow swales and eventually drains off into this low point here. We looked at doing the LID techniques to enhance removal and to look for cleansing. The electrical and telephone will be run underground from this area where there is an existing box, sewer and water would be connected, through coordination with the MDC, water from the street, there is a sewer main going thru the side of the property that we will be connecting to, and then we do abut a residential property....

Chairman Aieta: That's the Lombardo property? There is a home there?

Joe Urso: Yes, there is a home there, and we have proposed an eight foot stockade fence bordering the property. We did look at the twenty-five foot buffer we need, to the parking, as well as like I said, the eight foot stockade fence. Lighting for the property, we propose wall packs. Up front, one on each side and also one on the back. For landscaping, we are proposing screen arborvitae, an arborvitae wall if you will, and that pretty much of this presentation. Craig did have a chance to review the plan, and I can go over a few of his comments; a couple of the big comments were that architectural elevations weren't provided, and I think since then we have submitted them.

Craig Minor: Yes, I believe that is the one that Commissioner Camillo is looking at.

Chairman Aieta: Can you go through the materials and structure of the building?

Joe Urso: This is the standard warehouse building, three garages and three doors in the front, this is the side, right elevation view, basically what we are looking at is metal siding panels and on the lower part of the building, we have four foot high concrete kicker, it's pretty standard building, approximately 20 feet tall.

Commissioner Aieta: And does the concrete have drivet, or is it just a plain concrete.....

Dan Pizzoferrato: The four foot concrete wall kicker will be finished, plaster concrete and our rational behind going with that four foot wall around that building is that we were before the Commission in 2011, and we had some suggestions on that building. We proposed to do solid steel walls all the way around, and we took the suggestion to do a split faced block in the front, and what we found in our experience with that split face block, was that structurally we had a lot of problems with the interface between the steel structure and the split face block. Cold spots coming through there, even though we followed all the procedures, followed the drainage that they install in the block, still we found a lot of breaches for ants and bugs to crawl through, so this building, this time we are proposing to do it better. We're proposing the kicker wall, based on the site plan you see before you, there is a lot of water, swales around this building, we have water on three sides of it, it would be foolish to run the panels all the way to the ground, so this time we are looking at the concrete. That concrete will not be rough faced, it will be finished, for now, it's plaster concrete.

Commissioner Miner: Any consideration for a drivet type material on the lower area. It's usually a lot less, it's usually just a Styrofoam backer with a skin.

Chairman Aieta: Can you give me the size of the building.

Dan Pizzoferrato: The size of the building is 3,000 square feet.



Chairman Aieta: How many tenants are you looking for?

Dan Pizzoferrato: At this point, that's why it is cold storage just like Alumni Road, at some point we may subdivide it, in the 3, 1000 square foot bays, whether I keep one of them, two of them, I'm not quite sure yet, but the plan right now is it will be constructed to potentially have tenants in it, but right now, I'm not.

Chairman Aieta: Are you in the landscaping business?

Dan Pizzoferrato: No, I'm in the striping business, and one of your applicants could use us, but ...right now I'm the only one. You are kind of pigeon holded to get a landscaper, but there are all kinds of people looking to get 1,000 square foot stalls, whether that be an electrician, an irrigation guy, or some other type of trades. There are people that just use it to store their hobby toys, their boats, jet-skis and stuff like that.

Chairman Aieta: My consideration is for the neighbors. I mean, you are in an industrial zone, we're aware of that, but you are right next door to a residence, and the people who live in the higher elevations can look right into this, so if you were to have outside storage, I'm trying to keep it as, if you lived there what would you like to see?

Dan Pizzoferrato: If you do drive by this property, you will see that there is another, we are not the only industrial property, there is another industrial building there. Arborvitae, we sat before the Commission in 2011 and we planted 100 arborvitae on Alumni Road for our project there, and we have every single one of them, and my only complaint is they are growing too fast, they are flourishing too much. They are ten feet tall now, they're huge, they are actually encompassing, they have grown over our flower beds and taken over the sidewalk. We planned to do the same thing, again, my only complaint may be that they are growing too fast.

Chairman Aieta: And the fence that separates you and your neighbor?

Dan Pizzoferrato: That is going to be an eight foot cedar fence.

Joe Urso: An eight foot stockade fence.

Commissioner Miner: Does that provide an buffering in terms of sight lines or any light coming off of the property to the residential, or is the elevation up too high where it is going to be above the top?

Commissioner Pane: I have a question. You proposed a fence, are you going to fence in the front yard with a gate to enter into the property so that, or are you only fencing the side?

Joe Urso: We were proposing to fence the side, to border the two zones, to create a buffer.

Commissioner Strong: Just the one side where the house is?

Joe Urso: Actually, there is only the one house, and then there is industrial property. We are intending to, we are going to wrap these arborvitae this way, as you can see on the plan here. So, as you come down, there is a house on the corner up here, and then there is a large industrial facility, as you are driving right here, you will see our arborvitae screen, on this side, and then screened in the front, and the driveway is right here, an arborvitae buffer from the road, and then bordering the residential zone with an eight foot wall.

Chairman Aieta: What is 130, is that a house too?

Joe Urso: Yes.

Chairman Aieta: So you are surrounded by residences. You heard us talking earlier when we were talking about the zoning amendments, and we were talking about buffering and part of our plan, our 2020 Plan of Conservation and Development, it's in there as one of our strategies, to protect the residential property from industrial property, so we would like to see as much as we can to protect the neighbors.

Joe Urso: Are the arborvitae acceptable?

Chairman Aieta: Yes.

Commissioner Pane: Is the eight foot fence going to go on the commercial side too? The stockade fence, or are you only proposing it on the residential property.

Joe Urso: Correct.

Commissioner Pane: I'd like to see the front of the property fenced in because there is residential property across the street. You would end up using a little less arborvitae if you had a few arborvitae in front of the fence, and then have the fence, and then a gate at your driveway so that at least on weekends, it's all gated in, and residents aren't looking inside to it. I understand, I went over there, I drove the area, I saw the other commercial building. Unfortunately that has been there for a long time. Maybe someday if they come in for something, we'd like to get some extra buffering around that property too, down the road because it needs it to protect the residents. That would be my only concern, the houses across the street, I'd like to protect those houses.

Joe Urso: Can I suggest that instead of a fence we create a berm, and then the arborvitae on top of that? Then the residents are not looking at a fence.

Commissioner Pane: The only problem would be where the driveway is, they would see the building and the garage doors and anything that you have in the parking lot. I would assume, some of this is paved?

Joe Urso: Yes.

Commissioner Pane: I don't have a problem with the berm, I was just trying to seal off the driveway, so on weekends, it would provide extra security for you, and it would provide buffering for the people across the street.

Joe Urso: If the parking lot was empty, the resident across the street may prefer to see just an open, the trees and the berm and an open travelway, so it almost looks, may have a residential look. Whereas if you had a fenced gate, you are just automatically thinking industrial.

Commissioner Pane: The gate probably would be set back from the road maybe 35 feet or so, so you would see a driveway and a gate. If you didn't want to fence the entire thing, you could almost put a berm with arborvitae and then just at this driveway, provide some sort of screening there with a gate. I would assume that you are going to have commercial trucks

that are going to be parked in there and stuff possibly outside, that's what I think should be done. Is there going to be arborvitae on both sides of the driveway?

Joe Urso: Yes.

Commissioner Pane: And you are going to wrap down X amount of feet towards the....

Joe Urso: The train tracks. The train tracks along the industrial abutter.

Commissioner Pane: How about on the abutting 131, are you going to propose anything on the inside of your fence?

Joe Urso: No, we don't have anything proposed at this moment. We have a limited distance until we reach our foot, foot and a half deep swale.

Commissioner Pane: You have two feet?

Joe Urso: No, that is how deep it is, we have roughly five or seven feet.

Commissioner Pane: I know we have the fencing there which is, your eight foot fencing that you are proposing I think is really good for the neighbor, I know they have a small three foot fence that really doesn't do much. If you could put a few arborvitae on the inside of the fence, they don't have to be as close as normal for screening but at least it will provide some green for the residents.

Joe Urso: On their side of the property.

Commissioner Bottalico: You aren't going to see it, it's an eight foot fence.

Commissioner Pane: I guess you would have to move the fence in X amount of feet then, if you were going to do that, put it on their side, if you were going to put some trees there.

Chairman Aieta: The plan shows the planting on the right side of the driveway. As you face the driveway, on the right hand side,

Joe Urso: We are going to put arborvitae down here, here, stop for the driveway and then continue right here.

Craig Minor: The Chairman has the original one, I think Commissioner Camillo has the updated. That's all we have.

Joe Urso: Trees here, a break, then it goes right to the corner of the fence. We can definitely do something there. We have a small (inaudible) with the MDC easement not to fill or cut more than one foot, so I will do my best to put a berm, some sort of a berm there, and maybe come out just in this one corner, so once we go beyond that we can continue a two foot high berm. I will do the best I can creating a berm so it looks nice.

Commissioner Pane: Are the three spaces going to be divided up with utilities for each space?

Dan Pizzoferrato: At this point right now we are bring in three separate electrical users. Water is going to come in as one main, and the sewer obviously one.

Commissioner Pane: And you are providing sewer for each space?

Dan Pizzoferrato: Yes we are. Well, at this point we are just going to stub everything at the floor for future development, the exact same that I did on Alumni Road. We are going to apply for cold storage, get the c.o. and then several years down the road decide to build out.

Commissioner Pane: You are going to build out your own space first?

Dan Pizzoferrato: No, I actually have 4,000 square feet on Alumni Road, I don't have trucks or any of that stuff coming over here, so as far as there being trucks or vehicles and storage there, I have plenty of storage.

Commissioner Pane: Then your business is staying on Alumni Road.

Dan Pizzoferrato: My business is staying on Alumni Road. I will be moving some of our offices and equipment. Our equipment just costs too much money to store outside, so we will be moving some of off season stuff, and we will be searching for the right occupant. We're not going to put up a brand new building and then have people come in who will trash it. We're just going to shop for the right person.

Chairman Aieta: We don't want, we're not here just to make you spend extra money just for the sake of spending extra money, we have to look at the residents of this area. I know that you can say, well, they bought the house in anticipation that a building was going there, but we still have a responsibility to those residents to be able to protect them in some way, and you know this Commission's plans and thoughts have always been towards protecting the residents from commercial development. We're in favor of all types of commercial development, but not at the sake of the residents. We're just looking to get the best that we can for the people who live next door. We don't want you to spend a crazy amount of money to accomplish this.

Dan Pizzoferrato: What I can say is the first thing that we did when I purchased that site was to clean that site. We removed about twenty yards, mattresses, spare tires, it was there, and then once we cleaned the entire site, within two or three weeks, some stuff found its way back there, so our strategy at that point was to put up a silt fence, all the way around just to try to stop that. So I'm sure that the neighbors are happier with our project.

Commissioner Camillo: On the right side of the building there is an easement right here to the MDC? How far off of that is your building?

Joe Urso: Twenty one

Commissioner Camillo: So the sanitary line to the back, there is ten feet on either side of it, so you are twenty feet.....

Joe Urso: The MDC already approved this.

Chairman Aieta: That's adequate, pretty standard.

Commissioner Pane: What color is the building going to be?

Dan Pizzoferrato: It's tan, tan siding with burgundy trim.

Commissioner Pane: What address on Alumni Road.

Dan Pizzoferrato: That is 308 Alumni Road, we're on the Willard side. If you drive by, you will see we implemented a gate, a gate with the lattice we installed, something I never want to do again, because you have to install it piece by piece, and it took a long weekend, and our fingertips felt it for two weeks after, but we have a gate there.

Commissioner Pane: I understand and like the Chairman said, we don't want to cause you much expense, but just before, earlier in the meeting we said how we really want to make sure that we protect the residential property either abutting or across the street and that is why I mentioned the gate.

Chairman Aieta: What is your pleasure, want to move this to Old Business?

Craig Minor: Let me just say there are a number of changes to be made to the site plan, so can we just keep it as New Business for another meeting, and then if you are really happy with it at the next meeting, you can move it to Old Business, but I recommend it stay under New Business.

Chairman Aieta: You will get with the Planner to satisfy his requirements for the plan.

Joe Urso: There is another comment that wasn't brought up that I would like to address. The site right now calls for bituminous curbing, coming up into the property, maybe 30 feet from the road. I just wanted to make sure that is.....

Craig Minor: The zoning regulations seem to require either granite or concrete curbing at the driveway. We don't allow bituminous. I wasn't aware of that, and he asked, when I did my review, do I really have to do concrete or granite, and I told him it was in the regs, bring it up and ask the Commission about it, but it is in the regs.

Joe Urso: I wanted to bring it up because (inaudible).

Chairman Aieta: We're not allowed to waive our regulations, if it is in the regulations that requires concrete or granite then you are going to have to provide that. What do you have on Alumni:

Dan Pizzoferrato: On Alumni I actually have bituminous curbing.

Commmissioner Miner: What section of the regs are you looking at?

Craig Minor: Section 7.4.9.B.1

Chairman Aieta: We can't waive our regulations, we were caught in the middle of a lawsuit, and the judge rules in the McKensie case that we were not allowed to waive our regulations.

Dan Pizzoferrato: What if Summit Street does not have an adequate curb, an existing curb from that lot? My last recollection of that site having been there three or four times, that we did not have a curb.

Commissioner Pane: I know I plan to go over there and look again, and I think you are right, there is no curb on the road, but I will double check that and I want to read the regulation, and we'll probably talk about it next week.

Dan Pizzoferrato: We will be all for sheet flowing he water into our swales, which are designed to take this water and (unable to understand)

Craig Minor: I think if you talk to the Town Engineer because he of course reviews the drainage for these plans, and he has reviewed this one and he has approved it, if you talk to him about, I'm sorry, I'm still stuck on the fact that there is no curb on the street. We don't do

sheet flows in Newington, we're not like Burlington or some rural town, where we do sheet flow.

Commissioner Miner: Not to say that it wasn't knocked out and never replaced because there was nothing there.

Chairman Aieta: There is none on the street?

Dan Pizzoferrato: There is one and it is very inconspicuous.

Craig Minor: If it never was, then you need to put it in there. A commercial site needs that curb.

Chairman Aieta: We'll take a look at it and then make a decision and discuss it, but at first blush it is in the regulations and you have to provide it.

Craig Minor: If they want to use precast concrete curbs....

Commissioner Miner: And that to me is the same distinction as the granite.

Craig Minor: Yes, those are equivocal.

Commissioner Miner: So concrete could be poured in place the same as asphalt. Put your binder in, put the curb in and then put your top course in.

Craig Minor: You are talking about the asphalt?

Commissioner Pane: No, they have concrete, it's not a two foot depth.

Craig Minor: Well, the regulation says granite or concrete and if there is that method of doing it, I believe you can.

Joe Urson: One more question, if we were to add the gate, add a berm, and switch to concrete all of the problems would be solved.

Craig Minor: Well, you are also, you were talking about wall packs, and you were talking about all four sides of the building, I'm concerned about the light shining onto the neighbor's property.

Commissioner Miner: Theoretically the elevation will be higher than the fence line and conceivable you could broadcast right across the fence and into somebody's yard. There are some alternatives out there.

Craig Minor: Normally what we do when there is a commercial development next to residential, the applicant gives us a lighting plan, done by a lighting engineer to show and document that there won't be any light trespass. I'm sorry to put a burden on such a small project but we do, as you heard, need to be concerned about the effect on the residential neighbor.

Joe Urso: We can eliminate that wall pack on the residential side.

Craig Minor: Okay, that's good, but I'm still not sure that leaving the light on the front of the wall and the back of the wall will not impact the neighbor which is again why we typically ask for a lighting analysis. Now one last thing, there is a lot of information on this sheet. Can you split the information up into two sheets, but there is too much going on on one sheet, so if you could break it up, it would be a lot easier for the Commission and me?

Joe Urso: No problem.

Chairman Aieta: If we move it to the next meeting, you can have all this accomplished, we don't have to move it to another meeting, we can move it to Old Business and act on it at the next meeting. That is if you have everything done to the satisfaction of the Planner and the Commission.

Dan Pizzoferrato: Thank you.

**C. Petition 25-16: Site Plan Modification at 136 Rockwell Road, Perlini Enterprises LLC, owner; Ernest Perlini, applicant, Alan Bongiovanni, 170 Pane Road, Newington, contact.**

Alan Bongiovanni: Thank you Mr. Chairman, Members of the Commission, Staff, for the record by name is Alan Bongiovanni, president of the Bongiovanni Group here in Newington, representing Perlini Enterprises on the application for site plan modification for 146 Rockwell Road.

A little brief history, this is in the Newington Industrial Park. The existing building is about 11,700 square feet, the proposal is to basically double the size of the building on the lot. When the original site plan was approved, the proposed addition as we showed, the dark brown on the right was always anticipated. That was to be the future expansion some twenty-five years, thirty years later, and now it's time for that future expansion. The property is 1.8 acres in the PD Zone. The current building has two tenants in it, the proposal is to add exactly the same footprint, exactly the same looking building, to create two more tenant spaces, general industrial uses are proposed for the three spaces per thousand square feet because they don't have exact tenants yet, that is in accordance with the parking regulations. The existing building, they do have an established tenant who has been there for some time, they require twenty parking spaces, they have twenty employees. The proposal would be fifty six parking spaces required, our plan shows fifty-nine spaces.

I just got copies of the latest building elevations. If you are familiar with the building, it's the exact duplication of the existing building, it's a split face, split block that was done back in the mid-eighties. The proposal is to provide the exact same style of architecture, and size of the building to the rear of the property. You will see that the building is a U shaped type structure and the interior has two loading ramps and two loading docks. It was designed for a mixture of types of tenants. It's been a very popular building for Perlini Enterprises, it's always been leased, and they have received demand for that type layout so that is why they are prepared to extend it. There is no sewer, water that has to be brought to the site, it is all available on the property as well as gas. Storm water, as part of the Newington Industrial Park, all the lots were designed with a master plan drainage system so that the park could accommodate up to seventy percent impervious (inaudible) on every lot. This proposed expansion, we would be at about 67.5 percent, so all of the storm water detention that is required was done as part of the development of the Industrial Park. The only issue left here is Low Impact Development. As recently as yesterday the Town Engineer gave me a suggested type of structure to put in the catch basin in front of the proposed loading docks, it's the type of structure that will allow some pre-treatment of the water. Detention has already been covered, this is the remnants of an old gravel bank, there is nothing left here but silt material, there is no permeability in the soil, so we couldn't take any of this water and do a ground water recharge. There is no real surface area on the property, that would allow any overland swales or rain garden, so we are going to take the Town Engineers suggestion and the structure that is shown as a catch basin in front of the loading docks will be converted to, I guess it's like a storm sector which acts as a catch basin and an environmental trap and filter. Beyond that, if you have any questions, I'd be happy to answer them. It's within your

requirements and your regulations, there is no variance or waiver requested here. It was something that was proposed initially and now the owner is looking to fill out that plan.

Commissioner Pane: I have a question for the Town Planner. Has he looked to see if this fulfills the ten percent interior green space?

Craig Minor: Yes I did. I asked the applicant to show me where if in fact they did comply with that, and I came up with the same numbers that you did.

Commissioner Pane: Is there a cross easement from the Newington Electric Company to Mr. Perlini's property for parking or something? Is there any easement that you are aware of?

Alan Bongiovanni: There is not, nor are there any connections. The Newington Electric property, and I was physically out there and walked the property lines, the pins are there, they have some storage and things almost on the line, doesn't cross the property line, so they don't trespass onto this property. They do store very close to it. When you first walk out there you think, whoa, but they are on their own property. They have some trailers and some equipment and material if you will.

Chairman Aieta: But they aren't using this parcel.

Alan Bongiovanni: No, this parcel is all overgrown now.

Commissioner Pane: Are you going to get grading rights for the dirt pile because you are going to have to remove half of the dirt pile, so how does that work?

Alan Bongiovanni: I think that dirt pile is left over from when the initial site work was done, 25 or 30 years ago, our intent is to grade it to the property line. If they make the agreement at the time to totally remove it, then so be it. We don't need to go on their property, we can work around the property lines. We can grade it back is what I am saying.

Commissioner Pane: And these are all new arborvitae on the property side, on the southern side?

Alan Bongiovanni: Everything from the dark side over to the right is all proposed new landscaping. It's the same landscaping scenario or plan that was done for the left side. Those are all new trees in front of the dark parking area.

Craig Minor: I did compare this to the old plans because I had a copy of them, it's actually the same.

Chairman Aieta: What kind of businesses are there?

Alan Bongiovanni: Right now you have an environmental remediation company, Viola, and then there is a commercial hardware, I think it's a distributor type of thing, it's not a retail place, I know that. If you look at the configuration of the building, with the loading docks, the loading ramp, it is anticipated that somebody is going to pay for a partial warehouse type of facility. You have all of these amenities for it. Like I said before, they have been very successful with the tenants they have had. They only need twenty spaces for what they have, so we are putting two extra spaces in there, in case someone might have a little more office need to make this work.



Commissioner Pane: There is a note on the map that says you are going to remove the existing curbing that is in the front.

Alan Bongiovanni: Yes.

Commissioner Pane: What are you going to replace that with?

Alan Bongiovanni: Whatever the zoning requires. This is all bituminous, almost all of the Industrial Park is bituminous. I heard the conversation with the previous application, if it has to be an extreme concrete, which is very common, most of our commercial establishments on the Berlin Turnpike, those are extreme concrete. I think that was reserved, if you look in the regulations, I know on the radius, they wanted a sturdier concrete, but in the long run had bituminous.

Commissioner Pane: Well, we have some more information coming from the Town Engineer.

Craig Minor: The Town Engineer did recommend that his LID, the storm separator.

Alan Bongiovanni: I haven't provided the final report on that, and at your pleasure, if you could see your way to approve it, upon me satisfying the Town Engineer.

Chairman Aieta: We have made a practice not to approve the same night we hear an application.

Commissioner Pane: Just leave it on New Business and maybe he could provide that for us, and if everything works out good....

Alan Bongiovanni: I'm sure I can. Thank you.

**D. Petition 26-16: Site Plan Modification at 75 Rockwell Road. Solid Rock Realty LLC, owner Lynn Welding, applicant; Alan Bongiovanni, 170 Pane Road, Newington, CT contact.**

Alan Bongiovanni: Again, thank you Mr. Chairman, Members of the Commission and Staff, as was read I am representing Solid Rock Realty at 75 Rockwell Road. This is a little bit before the previous application on the opposite side of the street, it's an existing manufacturing building, built some thirty years ago. They are looking for a 3430 square foot addition which is shown on the site plan, as well as the color rendering on the screen. That is the dark brown area. It's basically a twenty foot addition along the majority of the back of the building, with a little projection that wraps around the existing loading docks. This addition is for the expansion of internal operations. Different types of equipment that would facilitate a better work flow within the facility. It doesn't add more employees, it doesn't require any additional site work other than the excavating for the foundation. We do not need any additional parking or paving. What we have done here is two things. We have shown the addition on here, removing some existing pine trees to accommodate that, and they we created a system of swales and catch basins along that northerly property line to intersect any of that water that normally ran towards the front of the property out toward Rockwell Road. We have taken the drainage that exists, at the existing loading dock you will see it goes up and to the right. Put a new catch basin in there. That will intersect any water that would originally flow to where the addition is, to the loading dock so that we maintain all of the drainage patterns as they exist. For low impact development design we have taken the roof water, we've analyzed the soil, soil testing by Welte Associates, and found that this is an area

where there was some sand and gravel left at the gravel pit, so it is permeable. It's great drainage, great soil, so we're putting a dry well in there so we take all of the increased impervious area of the roof area and put it into a drywell so we have ground recharge. So we have water draining although retention is not required because the park was designed as such, this basically takes all the water and takes it out of the basin and puts it back into the ground. We've received some comments from staff regarding landscaping, replacing landscaping around the back of the building and the north side. I caution that, we didn't do it purposely because we have our side yard, our building is going to be eleven and a half feet off, we have the swale that is up and down and up and down to maintain the flat grade there. If I start putting some trees and shrubs in there, I think we run the risk of probably ruining the effect of those swales and catch basins over time. It is, it will still have a screen of pines over the majority of it that will remain, we're just removing some of them that are on our property. There will be several of them that will remain along the property line.

Then some final calculations had to be supplied to the Town Engineer, but I think that is basically it, in a nutshell. It's a fairly plain and simple application, it's within your regulations, we've provided I think a LID design, we have the proper soils for it, and I think the growth is good for Newington business. If you have any questions, I'd be happy to answer them.

Commissioner Pane: Alan, looks good. Do you think it would be possible to mark those trees that are being removed, or which ones are being saved on this property?

Alan Bongiovanni: I can, if you will look at sheet number one, on the site plan.

Craig Minor: They are X'd out. Nine total, but six between the building and the side.

Alan Bongiovanni: Four of the trees that are being removed were around the dumpster, but we are now going to take the dumpster and tuck it right into the building, so you don't need that type of enclosure.

Chairman Aieta: And the side yard is ten feet?

Alan Bongiovanni: Ten feet.

Chairman Aieta: And you are eleven feet off the building?

Craig Minor: Alan, did you see my note about lighting on the back of the building?

Alan Bongiovanni: Yes, there is no intention of having lighting on the back of the building.

Chairman Aieta: And the addition is going to be the same....

Alan Bongiovanni: Same metal siding as the building is there now. I did submit renderings, elevations.

Chairman Aieta: Any other Commissioner remarks? What do you want to do with this application?

Commissioner Pane moved to move Petition 26-16 to Old Business. The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YEA.

Alan Bongiovanni: Thank you very much, have a good evening.

**X. OLD BUSINESS**

**A. Petition 17-16: Site Plan Modification at 2355 Berlin Turnpike (McDonald's Restaurant) McDonald's USA owner/applicant; Eric Dubrule, Bohler Engineering, 352 Turnpike Road, Southborough, MA, contact.**

John Kucich: From Bohler Engineer. I've been before the Commission a few times now. At the last hearing there was a request to add two Do Not Enter signs at the driveway, one was a new sign and one was switching out a No Left Turn sign. Those changes are been incorporated into the plan and I don't believe that there were any other further changes that were outstanding.

Craig Minor: I think these were the changes that the Commission had asked for, a more defined island coming in to make it harder for people to come in the wrong way, and the additional signage, No Left Turn, or No Entrance, I forget which.

John Kucich: Well, two hearings ago it was the No Left.

Chairman Aieta: Those are the items from the last meeting that you are referring to?

Craig Minor: Yes.

Chairman Aieta: Any additional Commissioner remarks? I have just the queuing before the window, before the order station, the queuing there. I have some concerns that if the queuing get to long, you are going to be queuing in front of the handicapped parking, and you are telling us that most of the queuing is going to happen after that. What do you have there for stacking before the speakers.

John Kucich: To recap, what they want to do is to make sure this is pushed back far enough so the queuing will be in this area here, so once you order, they have time to prepare the food, so you have no wasted space. It is four cars that are in here. The order station, essentially within the island itself, you have two cars in what we call the primary lane, two cars in the secondary lane within the island, and then you will have additional stacking back...

Chairman Aieta: How many?

John Kucich: You will probably have an additional two cars at that point.

Chairman Aieta: So before you started interfering with the handicapped area, you would have a total of eight stacked.

John Kucich: Correct. Again, there are thousands of these, it's very standard practice and they certainly wouldn't make the investment that they are going to make if the drive through was an issue.

Commissioner Pane: This is an older site which is not as, it's not a brand new site, it's an older, existing site which has constraints on the size of it, so I have concerns with whether the eight is enough. I see what is there now for stacking, and I see as many as ten cars stacked and you know, when you are ordering at the menu, you always, every now and then, there is only one person taking the orders, and they are alternating from one side to the other side, back to the other side, back to the other side, there's not an order person for each line.

When somebody is ordering from one line, the other side is waiting, and you can't control whether or not a family comes in and they don't know what they are going to order, so there could be delays, where you could get ten cars backing there, so that would be a concern. The other concern I have is, you are eliminating, even though you are saying that you are providing a place for trucks to park, I've seen up to two or three good size trucks and trailers park there, so I think you are hurting yourself in a couple of different areas there. Even though you may comply with the regulations and I understand that McDonald's does this through all of their places, but because this isn't a brand new piece of property, I think you may hinder yourself down the road.

John Kucich: McDonald's, I know they go into this with eyes wide open, and they come up with a plan that they know works based on past experience, and again, they do have thousands of these, so again, this is what they do, they wouldn't be doing the improvements if they thought it wouldn't work.

Commissioner Pane: Well you will lose some business from truckers and trailers and stuff like that because there is not going to be room for them to park there. I know that, because I have been to the site numerous times, and there is always trucks and trailers parked there, UPS drivers, or Fed Ex trucks, or you know, the business guys. The landscaper, the contractor, they are always in there and I don't know that you are providing enough room for them. That's up to the applicant. Looks like you comply with everything, but I was just concerned whether or not you are going to hurt yourself. That's all.

John Kucich: One thing I just want to advise the Commission on, the improvements to the island that we are proposing are within the DOT right of way and require approval from the DOT, so it's our full intention, once we knew that we were okay with the Commission, to make application to the DOT to do this. I don't expect any issues. I just wanted to let you know and I will provide copies of our application.

Chairman Aieta: I don't see them....

Commissioner Miner: They know they have an issue there.

Commissioner Miner moved to approve, with conditions, Petition 17-16: Site Plan Modification at 2355 Berlin Turnpike, (McDonald's Restaurant.)

**CONDITIONS:**

1. As presented at the TPZ meeting on May 25, 2016.

The motion was seconded by Commissioner Strong. The vote was unanimously in favor of the motion, with six voting YEA.

- B. Petition 18-16: Special Permit (Section 6.2.4: Freestanding Sign) at 177 Day Street (Newington Veterinary Clinic.) Sign Pro Inc., applicant, 177 Day Street LLC, owner; Robert Kuszpa, Sign Pro Inc., 60 Westfield Drive, Plantsville CT, contact.**

Commissioner Miner moved to approve Petition 18-16: Special Permit (Section 6.2.4; Freestanding Sign) at 177 Day Street (Newington Veterinary Clinic.) Sign Pro Inc., applicant, 177 Day Street LLC, owner; Robert Kuszpa, Sign Pro Inc., 60 Westfield Drive, Plantsville CT, contact.

**CONDITIONS:**

1. None

The motion was seconded by Commissioner Bottalico.

Craig Minor: Just a procedural thing, this was a public hearing last week, so the alternate seated to vote for this one needs to have been here last week, or at the last meeting. I talked to Norine about this earlier today, and all, well, Mike was seated as a full member and the other two were here. Everybody was here, so it is fine. Everybody can vote.

The vote was unanimously in favor of the motion, with six voting YEA.

**C. Petition 20-16: Site Plan Modification at 80 Fenn Road. Fenn Road 80 LLC owner/applicant; Joseph Sullo, Wethersfield, CT, contact.**

Chairman Aieta: Was there anything carried over on this application?

Craig Minor: The Commission was concerned about the oil/water separator, so the applicant has revised the plans to include the oil/water separator and submitted them. I have a paper one that was not drawn by hand, but let me zoom in on the hand drawn one, which was a concern to the Commission.

Russell Heintz: As you asked last meeting that we have an oil separator, which we did, which is at the last catch basin, heading out. It's an oil/water/sediment basin.

Chairman Aieta: Any questions for the applicant?

Commissioner Miner moved to approve, with conditions, Petition 20-16: Site Plan Modifications at 80 Fenn Road; Fenn Road 80 LLC, owner/applicant; Joseph Sullo, Wethersfield CT, contact.

**CONDITIONS:**

1. The stormwater management plan will be revised to include an oil water separator which has been installed at a location approved by the Town Engineer.

The motion was seconded by Commissioner Pane. The vote was unanimously in favor of the motion, with six voting YEA.

**D. Alumni Road Traffic Signal**

Commissioner Sobieski: We had the public hearing Monday, there were some comments and once we get the notes that are typed up, we'll address each one. We will then come back to the Commission.

Commissioner Pane: I will be looking forward to the minutes of the meeting so that we can analyze them and to pinpoint which ones can be added to the plan. There were a couple of things that I mentioned that I want to update us on, is the, we talked earlier about the bridge widening of that lane, was not into that, and I want to double check that to make sure that is accurate, so that we are providing accurate information.

Commissioner Sobieski: Right, the last I knew, it was in there. I don't know when it got taken out.

Commissioner Pane: I will check on that and see. Then the other thing was, the basis for estimating the number of cars that would be diverted to Alumni Road needs to be explained a little bit better I think and it is likely more appropriate to have the traffic consultants make that estimate, because it is very hard for us to pinpoint it, and we don't want to exaggerate that. The only other issue that I wanted to clarify is that you know, the problem has been going on for twenty to twenty-five years, but the paper road that goes behind the four houses, that was created in 2003. So the problem has been around for a long time, but that plan started in 2003, so I just wanted to get that clarified so that everybody understood. I think that it will be important for us, once we analyze all of the minutes and we gather up whatever information we can and come up with a plan, put it on an 8 ½ by 11 or just a little bigger, produce a packet for the Councilors, so that when we do present it to the Councilors they have all of the information that is necessary and all the minutes and everything. So it will be helpful for them, and maybe they can use that map as a handout when they open the public hearings.

Chairman Aieta: We will leave this on the agenda, continue it, until we get the minutes and then will have a discussion and move it to see if it is proper, to the Council when we have all of the information. I don't want to send them something that is only half baked. I want to give them as much information as possible to agree with the information that they can use as a handout.

**Petition 23-16**  
**Site Plan Modification**  
**Dick's Sporting Goods**  
**2985 Berlin Turnpike**

Commissioner Pane moved to approve Petition 23-16 Site Plan Modification (Tent Sale) at 2985 Berlin Turnpike Dick's Sporting Goods, Dick's Sporting Goods, applicant, Brixmore Property Group, owner, Nathalie Orapeza, 2985 Berlin Turnpike, Newington, CT, contact.

The motion was seconded by Commissioner Bottalico. The vote was unanimously in favor of the motion, with six voting YEA.

**PETITIONS FOR PUBLIC HEARING SCHEDULING**

- E. Petition 27-16: Special Permit (Section 6.2.4: Freestanding Sign) at 100 Stamm Road. Sign Pro Inc., applicant. Lot 5 Styles Avenue LLC, owner Robert Kuszpa Sign Pro Inc., 60 Westfield Drive, Plantsville, CT, contact.

Chairman Aieta: What do we have Mr. Planner, we have to try to adjust.....

Craig Minor: For the next meeting we kept open the text amendment item, we kept open the Sloppy Waffle, and we also have the interior lot regulation which was going to be tonight, but in talking with the Chairman, it was kind of full, so that kicks back to the next meeting.

Chairman Aieta: I don't see that, we pretty much beat that horse to death.

Craig Minor: I don't see that being, well, there hasn't been a public hearing yet, and I don't know whether anybody in the public would be opposed to the rear lot regulations, there may be some.

Chairman Aieta: I think we could get through that quickly if we put it on. This is just a sign.

Craig Minor: An existing building on an industrial street, so I don't see it being controversial.

Chairman Aieta: We will schedule Petition 27-16 for the next meeting for a public hearing.

## **XI. TOWN PLANNER REPORT**

### **A. Town Planner Report for June 8, 2016**

Craig Minor: Couple of items, the first item, the agenda for tonight's meeting got very full, so much so that that the Chairman directed me to postpone the hearing on the open space regulations, so I will report of them the next time.

Implementing the 2020 POCD Recommendations: In my previous Town Planner Report I informed the TPZ that I'm working with town staff to develop a sidewalk infill plan as recommended on Page 46 of the POCD. The staff met last week, and we quickly realized that the Town's map of existing sidewalks is incorrect. I have directed the Assistant Town Planner to work with the Town's new GIS technician to create an accurate map of existing sidewalks

High Density Residential Development Moratorium: I tweaked the wording of the expiring higher density residential development moratorium to be specific to Newington Junction, the expiring one was generic so that it could apply to both of the CTfastrak neighborhoods, and e-mailed it to CRCOG in time to be able to have a public hearing on it at the first meeting in July. I'll provide you with a copy of it in the next agenda packet but if anyone wants to see it sooner, just call or email me and I'll send it to you.

Graduation Banners: As requested by the TPZ, the Town Highway Department staff removed the banners from the Willard Avenue bridge and are storing them at the highway garage. At the request of someone from Superintendent Collins' office last week, I resent him the guidelines that TPZ had proposed at the meeting on March 23, 2016.

## **XII. COMMUNICATIONS**

### **A. CRCOG Zoning Reports to Berlin, Farmington, Hartford and West Hartford TPZ.**

Craig Minor: You will get this every couple of meetings.

## **XIII. PUBLIC PARTICIPATION for items not listed on the agenda, speakers limited to two minutes.)**

Rose Lyons 46 Elton Drive: I just wanted to say thank you to Commissioner Sobieski for bringing up the retention/detention ponds which I have been trying to speak to Conservation about, and I think I mentioned it before.

Chairman Aieta: Did you get any response from them when you brought it up.

Rose Lyons: The response I get most times is that "we don't have the manpower or the money, etc., etc.,

Chairman Aieta: What was the reaction of the Conservation Commission itself? Do they see that as something that they could be involved with?

Rose Lyons: I didn't get that feeling.

What got me off the couch to come down was the reference to Chapman Street. The house on the corner was being cleaned up, it's been quite a mess for many, many years. My sister-in-law lived there for 25 years, and it's cleaned up, but it could still use some work.

Chairman Aieta: Is it on the blight list?

Rose Lyons: It was, well, I don't know because it is my understanding that the blight list is a confidential document and should not be discussed.

Craig Minor: No.

Rose Lyons: Well, that's what I thought. I checked with Jaime.....

Craig Minor: Well, alleged..... It doesn't get on that blight list until the Council puts a house on the blight list. But if a complaint.....

Chairman Aieta: I don't know if that is true, because I have two Councilors shaking their heads.

Craig Minor: Can we ask a councilor to come up and straighten me out?

Chairman Aieta: You know how it works, Carol or Gail?

Rose Lyons: There is a ZEO complaint form for blight itself, but the actual blight list that Jaime compiles is not public information, and I think the last time that we started talking about Francis Avenue and there was another court case with the same owner, I believe that the reason that we didn't discuss it was because it is confidential, and I did speak with Jaime after the meeting, and I did ask her if the blight list itself, when you actually get onto the blight list, is confidential.

Councilor Anest: Mike sends it out to the TPZ members, the report goes to Jaime, Jaime refers it to the ZEO and then he goes out, does his due diligence and then he puts it on the blight list. It never comes to the Council. Periodically we get an update.

Commissioner Bottalico: Don't you have to ask for it?

Councilor Anest: We have to ask for an update, but the councilors do not get a copy of the blight list, so it doesn't come before the Council.

Craig Minor: What I meant was, my understanding was, the way that the ordinance was written, to prevent someone from getting the black mark of blighted property, that until the Council makes that executive decision, a piece of property is not deemed blight, it's just alleged blight, until the council says it is blight. That got changed?

Commissioner Bottalico: No, because we used to ask for the blight list. It was always on there. The Council never.....

Councilor Anest: I don't think we deem something blight.

Commissioner Pane: Once he confirms it then Jaime puts it on the blight list, and then we get updated with the blight list, and Carol and Gail are cc'd the blight list.



Councilor Anest: Because we are part of the TPZ.

Commissioner Pane: Correct.

Councilor Anest: But, it goes on the blight list even though it may say, doesn't meet the requirements. They report every call and every e-mail that comes in, and then he goes and determines, does it meet the standards, is it something that is a zoning enforcement issue, and not a blight issue, he goes with the notations in the column. So you know what exactly it is, but it doesn't come to the Council.

Craig Minor: Okay, now, I think there are two different blight lists. There is the list of alleged blight, which is what you folks get, but then after a long laborious process, if at the end of the process it is confirmed that it is in fact blight, and the Council agrees, yes it is blight, then it is officially blight listed, it gets on the land records, it's really serious, which doesn't happen very often. That's the end of the procedure. That is if the owner is really intransigent and just won't clean up their property and they almost force the town to officially label them as blight.

Commissioner Bottalico: As a council, we weren't involved in that part of it. We were just given the report, and if there was a citation given out.

Councilor Anest: And then usually it is rectified.

Rose Lyons: You reminded me, there is curbing most all the way around Summit Street, but I won't mention that because it is on the agenda, but in any case, Newington Junction, I know that you are going to be talking about that at some point, sooner than later, Mr. Minor, I know there is a study on Newington Junction. Most people would like to see the Newington Junction study. Is there also minutes to that meeting when the consultant presented the study?

Craig Minor: I know notes were taken, whether they are official minutes, but certainly notes were taken, and the presentation that the consultant made that night, as a matter of fact it is on the web site, I'm pretty sure.

Rose Lyons: It might be something that the Commissioners might want to look at, or not, but it is available and I think that CRCOG paid twenty thousand dollars for that study, so it might be something, and get a feel of what the people in the room thought about the study at the time. Would it be something you would want to look at? I don't know.

Craig Minor: Thank you for suggesting it.

Rose Lyons: You might want to look at it before it comes to being, and I know at Conservation, things that, well, I won't even ask that question. You will have a public hearing on it? Okay.

Chairman Aieta: You can ask a question?

Rose Lyons: No, it hasn't come before here. The question I'm going to ask, you know Conservation, if an application has been denied, or whatever has happened to it, in order to bring a report back into the record, you have to bring it up again, it doesn't automatically follow the file, it's not material right now.

Just a little clarification on Alumni Road, and the alignment of Maple Hill, and what is going to go on at Old Farms. You are going to review what was said on Monday night by everyone, pro/con, answer the questions, to the best of your ability and then make a presentation. That is the feeling that I got, that you were welcoming ideas one way or the other, look at them and see if they were feasible. What I think may work, may not work, but like I said, I don't want to be sitting ten years, standing here ten years from now in an auditorium in a town hall that hasn't been renovated talking about Cedar Street.

When it goes to the Town Council, then the Town Council will then decide whether or not it is a feasible plan in their minds, and then if they thought that it was doable, they would schedule a public hearing once again, and the public would have another chance. A lot of things are floating around and I just wanted to.....

Chairman Aieta: We would recommend to the Council that they don't spend any money until they have a public hearing and they were moving it forward, and then we would suggest that they hire a traffic engineer, probably the one that did the Willard Avenue one, because he has all the data already and we have gotten rough estimates of about five, six thousand dollars. They could clean up the plan that they would send to DOT.

Rose Lyons: Hold a public hearing, get a consensus one way or the other. If everyone says no, like they did the last time, if they get the feeling that this is something that people are going to object to, they may decide that they don't want to have it go forward, but if it seems like a plan, whether five or six people think it may not be a good plan, if the engineers, the experts think it might be a good thing, we'll forward it on to DOT, but the final decision is up to the Council.

Chairman Aieta: Yes.

Rose Lyons: Thank you.

**XIV. REMARKS BY COMMISSIONERS**

None

**XV. CLOSING REMARKS BY THE CHAIRMAN**

None

**XVI. ADJOURN**

Commissioner Bottalico moved to adjourn the meeting. The motion was seconded by Commissioner Sobieski. The meeting was adjourned at 9:50 pm.

Respectfully submitted,

Norine Addis,  
Recording Secretary

